



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 17, 1998

Ms. Barbara G. Heptig
Assistant City Attorney
City of Arlington
620 W. Division Street
Arlington, Texas 76004-1065

OR98-1698

Dear Ms. Heptig:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116589.

The Arlington Police Department (the "department") received a request for "a copy of original police report and any statements made by Willie Morales Guerra" with regard to Report Number 920082136. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

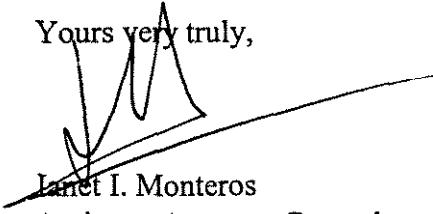
You inform this office that the defendant has been convicted in this matter and is serving a 99 year sentence related to the instant report at issue. However, when the information relates to a sexual assault or other sex-related offense, any information which either identifies or tends to identify the victim must be withheld under the common-law right of privacy and section 552.101 of the Government Code, which excepts from required public disclosure "information considered to be confidential by law, either constitution, statutory or by judicial decision." Information is excepted from required public disclosure by a common-law rights of privacy under section 552.101 if the information (1) contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person and (2) the information is not of legitimate concern to the public. *Industrial Found. of the S. vs. Texas Industrial Accident Bd* 540 S.W.2d 668 (Tex. 1976) *cert. denied*, 430 U.S. 931 (1977). In Open Records Decision No. 339 (1982), this office states:

In our opinion, common law privacy permits the withholding of the name of every victim of a serious sexual offense. Open Records Decision No. 205 (1978). The mere fact that a person has been the object of rape does, we believe, reveal "highly intimate or embarrassing facts" about the victim and, in our view, disclosure of this fact would be highly objectionable to a person of ordinary sensibilities. Although there is certainly a strong public interest in knowing that a crime has been committed, we do not believe that such interest requires the disclosure of the names of victims. Furthermore, certain other information such as the location of the crime, might furnish a basis for identification of the victim.

Some of the requested information is protected from required public disclosure based on the common-law right to privacy. Consequently, we have marked the portions of the documents which must be withheld under section 552.101 with the remainder to be released to the requester.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/ch

Ref.: ID# 116589

Enclosures: Submitted documents

cc: Ms. Laura Massey
Law Offices of Roger W. Wood
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Arlington, Texas 76013
(w/o enclosures)